

**UNITED STATE DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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THE PROVIDENCE GROUP LLC,

Plaintiff,

**Case No.: 1:20-cv-05067**

-against-

**DECLARATION OF  
KENNETH C. MURPHY, ESQ.**

OMNI ADMINSTRATORS INC. d/b/a/ LEADING  
EDGE ADMINISTRATORS,

Defendants.

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**KENNETH C. MURPHY** hereby declares the truth of the following, subject to the penalty of perjury and pursuant to 28 U.S.C. § 1746, as follows:

1. I am a partner at Rivkin Radler LLP, and one of the attorneys for Omni Administrators, Inc. d/b/a Leading Edge Administrators (“**LEA**”). I was admitted to practice before the Bar in the State of New York in 1996 and before this Honorable Court in 2003.

2. I submit this declaration in support of LEA’s motion seeking an order (a) pursuant to Rule 12(b)(6) dismissing Count I (Breach of Fiduciary Duties Under 29 U.S.C. § 1109 (ERISA § 409)), and Count II (Claim for Equitable Accounting Arising Under 29 U.S.C. § 1132; ERISA § 502(a)(3) and the AGREEMENT) of Plaintiff’s Complaint; and (b) granting LEA such other and further relief as this Court deems just and proper.

3. I am filing herewith and in support of LEA’s a motion a memorandum of law and the exhibits attached thereto.

Respectfully Submitted,

RIVKIN RADLER LLP  
Attorneys for Defendants

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Dated: February 2, 2021